

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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TANIKA SHUNTA CRAIG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:17-cv-02522-SHM-cgc
	)	
TENNESSEE DEPARTMENT OF	)	
CHILDREN'S SERVICES,	)	
	)	
Defendant.	)	

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ORDER

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This case has been pending before the Court since July 21, 2017, when Plaintiff Tanika Shunta Craig filed a *pro se* Complaint against Defendant Tennessee Department of Children's Services.<sup>1</sup> (ECF No. 1.) Plaintiff has failed to properly serve Defendant despite having been given multiple opportunities to do so. (See ECF No. 23 at 80-82 (reviewing the Court's December 6, 2017 Order to Show Cause, the June 19, 2018 Report and Recommendation, and the July 10, 2018 Order, all directing Plaintiff to properly serve Defendant).)<sup>2</sup>

"Service of process, under longstanding tradition in our system of justice, is fundamental to any procedural imposition

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<sup>1</sup> The *pro se* Complaint also named Mary Beth Duke and Tipton County as defendants, but those defendants were later removed when Plaintiff filed an Amended Complaint on September 7, 2017. (ECF No. 9.)

<sup>2</sup> Unless otherwise noted, all pin cites for record citations are to the "Page-ID" page number.



on a named defendant." Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 350 (1999). Federal Rule of Civil Procedure Rule 4(c) requires that the "summons . . . be served together with a copy of the complaint." Federal Rule of Civil Procedure 12(b)(5) authorizes a district court to dismiss a complaint for insufficiency of service of process.

Plaintiff has not served Defendant, and the deadline to do so has passed. (See Fed. R. Civ. P. 4(m); ECF No. 23 at 84.) "Absent a showing of good cause to justify a failure to effect timely service, the Federal Rules of Civil Procedure compel dismissal." Byrd v. Stone, 94 F.3d 217, 219 (6th Cir. 1996).

This case is DISMISSED WITHOUT PREJUDICE for insufficient service of process pursuant to Rule 12(b)(5). See Fed. R. Civ. P. 4(m) ("If a defendant is not served . . . the court . . . must dismiss the action without prejudice against that defendant . . . .").

So ordered this 20th day of July, 2018.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE